

### REMARKS

This application has been carefully reviewed in light of the Office Action dated December 7, 2004. Claims 17, 18, 25 to 28, 30, 31, 38, 42 to 46, 48 to 56, 76, 77, 84 to 87, 89, 90, 97, 101 to 105, 107 to 115, 135, 136, 143 to 146, 148, 149, 156, 160 to 164 and 178 to 183 are pending in the application, of which Claims 17, 30, 48, 52, 76, 89, 107, 111, 115, 135, and 148 are independent. Reconsideration and further examination are respectfully requested.

Applicant wishes to thank the Examiner for the indication that Claims 30 to 59, 89 to 118 and 148 to 177 are allowable. Nonetheless, Applicant has chosen to amend these claims on his own volition for reasons not relating to the patentability of the claims.

In the Office Action Summary, Claims 29, 88, and 147 were denoted as being objected to. However, Applicant fails to see any basis for the objection in Detailed Action. Nonetheless, since Claims 29, 88 and 147 have been canceled, any objection to these claims is rendered moot.

Claims 1 to 3, 5 to 11, 13 to 19, 21, 24 to 28, 60 to 62, 64 to 78, 80, 83 to 87, 119 to 121 and 123 to 146 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,205,477 (Johnson), and Claims 4, 12, 20, 22, 23, 63, 71, 79, 81, 82, 122, 130, 138, 140 and 141 were rejected under 35 U.S.C. § 103(a) over Johnson. Inasmuch as Claims 1 to 16, 19 to 24, 29, 32 to 37, 39 to 41, 47, 57 to 75, 78 to 83, 88, 91 to 96, 98 to 100, 106, 116 to 134, 137 to 142, 147, 150 to 155, 157 to 159 and 165 to 177 have been canceled, the rejections of those claims are believed to be obviated. Nonetheless, Applicant requests that the Examiner reconsider and withdraw the rejections of the remaining claims in light of the following comments.

The present invention relates to determining which one of a plurality of servers that a client is to access. According to one aspect of the invention, the client accesses a first information distribution server with a request to obtain information. Upon receiving the access request, the first information distribution server sends an inquiry to, for example, a network status server. The network status server, upon receiving the request, determines which one of a plurality of information distribution servers on a network that the client should access. For example, the network status server may determine which one of the plurality of servers has the closest logical distance to the client, or which server would be the best one for the client to access to obtain the information based on states (e.g., how busy the server is) of the servers. Once the server has been determined, the network status server informs the first information distribution server which one of the plurality of servers the client should access. As a result, the first information distribution server can then direct the client to the most appropriate server for the client to obtain the requested information.

Referring specifically to the claims, amended independent Claim 17 is a server determination apparatus, comprising receiving means for receiving an inquiry from a first one of a plurality of information distribution servers, collection means for collecting network state information between a client and each of the plurality of information distribution servers, server determination means for determining, based on the network state information, which one of the plurality of information distribution servers the client, which has accessed the first information distribution server, should access, and informing means for informing the first information distribution server of the determined one of the plurality of information distribution servers that the client should access.

Amended independent Claims 48, 76, 107 and 135 are system, method, system control method, and computer program claims, respectively, that substantially correspond to Claim 17.

Amended independent Claim 30 includes features along the lines of Claim 17, but is more specifically directed to a server determination apparatus, comprising receiving means for receiving an inquiry from a first information distribution server, collection means for collecting state information of each of a plurality of information distribution servers, server determination means for determining, based on the state information, one of the plurality of information distribution servers which a client accessing the first information distribution server should access, and informing means for informing the first information distribution server of the determined one of the plurality of information distribution servers that the client should access.

Amended independent Claims 52, 89, 111 and 148 are system, method, system control method, and computer program claims, respectively, that substantially correspond to Claim 30.


The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of Claims 17, 30, 48, 52, 76, 89, 107, 111, 135 and 148 . More particularly, the applied art is not seen to disclose or to suggest at least the feature of a server determining, based on either network state information or state information of a plurality of information distribution servers, which one of the plurality of information distribution servers a client accessing a first information distribution server should access, and informing the first information distribution server of the determined one of the plurality of information distribution servers that the client should access.

Johnson is merely seen to disclose a method and system for distributing a service request among a plurality of servers. More particularly, Johnson discloses that a client submits a domain name to a DNS server, where the DNS server in turn selects a server that the client should access based on a portion metric (i.e., a portion of total server requests that are to be allocated to one of a plurality of servers). The DNS server then provides an IP address of the selected server to the client so the client can then access the server corresponding to the IP address. Thus, while the DNS server of Johnson may select a server that a client is to access, the server is not selected based on network state information or state information that is collected from each of the plurality of servers, but rather is based on the portion metric assigned to the servers and how many requests each server has processed. Accordingly, Johnson is not seen to disclose or to suggest the features of the present invention.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicant

Edward A. Kmett

Registration No. 42,746

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-2200  
Facsimile: (212) 218-2200